

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2007-205-E – ORDER NO. 2007-871  
DECEMBER 7, 2007

IN RE: Mack A. Smith,	)	ORDER POSTPONING
	)	MERITS HEARING AND
Complainant/Petitioner	)	SCHEDULING HEARING
	)	ON MOTION TO
v.	)	DISMISS COMPLAINT
	)	
Progress Energy Carolinas, Inc.,	)	
	)	
Defendant/Respondent.	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Motion by Progress Energy Carolinas, Inc. (“Progress”) to dismiss the Complaint of Mack A. Smith.

In a letter dated November 6, 2007, a copy of which was sent to all parties, Progress has requested that we dismiss Mr. Smith's complaint for continued failure to comply with the Commission's Rules and Regulations governing pre-filed testimony. Progress asserts that Mr. Smith has now been afforded two opportunities to file valid pre-filed testimony, but that his filings consist of proposed exhibits without any associated testimony. Furthermore, Progress asserts that most or all of the proposed exhibits Mr. Smith seeks to use at the hearing would not be admissible without the testimony of other witnesses which Mr. Smith has not named.

In light of the issues raised in Progress's letter, we deem it appropriate to postpone the merits hearing in this docket, and that in place of the merits hearing currently scheduled on December 12, 2007, we hear from the parties at that time as to whether this matter should be dismissed as requested based on failure to comply with the Commission's Rules and Regulations. We will render a decision as to dismissal after all parties have had a full and fair opportunity to present their arguments, and if necessary, we would reschedule the merits hearing thereafter.

IT IS THEREFORE ORDERED THAT:

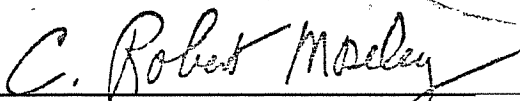
1. The Commission will hold a hearing on December 12, 2007, to determine whether this matter shall be dismissed.
2. If the Commission finds that the matter should not be dismissed, the hearing on the merits of the Complaint will be rescheduled.
3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman  
(SEAL)